

REMARKS

In the Advisory Action, Examiner has rejected Applicant's arguments as being unpersuasive. Examiner alleges that Applicant has argued prior art as not being a multi-wavelength device. Examiner further states that "The recitation has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951)."

Applicant respectfully disagrees with Examiner's conclusion. Contrary to Examiner's conclusion, Applicant has not argued prior art as **not** being a multi-wavelength device. Rather Applicant has only pointed out prior art as not being a light source, let alone a multi-wavelength light source. Additionally, In *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951), a preamble reciting "An abrasive article" was deemed essential to point out the invention defined by claims to an article comprising abrasive grains and a hardened binder and the process of making it. The court said that "it is only by that phrase that it can be known that the subject matter defined by the claims is comprised as an abrasive article. Every union of substances capable inter alia of use as abrasive grains and a binder is not an 'abrasive article.'" *Id.* at 481, 187 F.2d at 152. Therefore, the preamble served to further define the structure of the article produced. Similarly, the preamble reciting a "multi-wavelength light source" is essential to point out the invention defined by the claim specifically to a light "source" comprising a gain medium disposed in an "optical cavity". This assumes even greater significance in

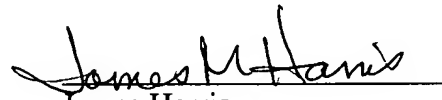
light of cited prior art, because an optical cavity could be “adapted to receive and transmit an optical signal” as taught in the cited reference. Further, it does not follow that every gain medium disposed in an optical cavity necessarily results in a multi-wavelength light source as taught by Applicant. Therefore, the preamble to Applicant’s claim is essential to point out that the invention is defined by claims to a multi-wavelength light source comprising a gain medium, an optical cavity, and an optical equalizer.

Consequently, and in light of the above, Applicant respectfully requests that a rejection to Applicant’s claims 1-7, 9, 10, and 18-23 be withdrawn and a notice of allowance be made.

CONCLUSION

Claims 1-26 remain in this application. In view of the foregoing, Applicant believes that all of the claims are now in condition for allowance. Applicant respectfully requests the Examiner to reconsider the rejections, and to issue a timely Notice of Allowance in this case. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to call the undersigned attorney at 650-325-4999 so that any remaining issues may be resolved.

Respectfully submitted,


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